

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-003106

03/15/2010

HON. SAM J. MYERS

CLERK OF THE COURT  
L. Firriello  
Deputy

KEITH DEERING, et al.

LANCE R BROBERG

v.

GARY WHITING, et al.

GREGORY G MCGILL

JARED C SIMMONS

**MINUTE ENTRY**

Following the receipt of Plaintiffs' Notice re Limited Vacature of Bankruptcy Stay to Permit State Court to Rule on Plaintiffs' Receiver Application and the Board's Objection to Proposed Order Appointing Receiver, the Court held a telephonic conference/oral argument. The Court then took the issues under advisement.

First, the parties disagree about the meaning of Bankruptcy Judge Curley's Minute Entry of March 4, 2010, which states in part: "IT IS FURTHER ORDERED that there shall be limited vacature of the stay to allow Judge Myers to enter a ruling ruling [sic] as to this debtor concerning the matters heard in CV2010-003106 on February 11, 2010 (See minute entry dated 2/18/10 in State Court Action CV2010-003106)". At oral argument, counsel for the Board argued that the reference to "the matters heard" includes all allegations of wrongdoing made by the Board both at the hearing and after the hearing of February 11, 2010. The Court rejects that interpretation. This Court interprets Judge Curley's ruling narrowly, to include only the pending matters addressed at the hearing (i.e. Plaintiff's Application for TRO and the Board's Motion to Dismiss).

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This Court hereby amends the rulings and minute entry of the February 11, 2010 hearing as follows with respect to Cheyenne Mountain Entertainment, Inc.:

**IT IS ORDERED** affirming the denial of the Board's Motion to Dismiss for the reasons stated in the February 18, 2010 minute entry.

**IT IS FURTHER ORDERED** affirming the denial of Plaintiffs' Application for a Temporary Restraining Order for the reasons stated in the February 18, 2010 minute entry.

**IT IS FURTHER ORDERED** affirming the granting of Plaintiffs' alternative request for relief and appointing a receiver for Cheyenne Mountain Entertainment, Inc. for the reasons stated in the February 18, 2010 minute entry.

**IT IS FURTHER ORDERED** appointing Edward Burr as receiver for Cheyenne Mountain Entertainment, Inc., consistent with the minute entries of February 18 and March 1, 2010.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>